



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed November 5, 2024

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

In re:	§	
	§	
TRINITY DESIGN & BUILD LLC	§	Case No. 24-43632-ELM
a/k/a Trinity Cabinet Company LLC, Trinity	§	
Design and Build LLC, Trinity Design + Build	§	Chapter 7
LLC, and Trinity Cabinet Company LLC	§	
d/b/a Trinity Design and Build,	§	
	§	
<u>Alleged Debtor.</u>	§	

**AMENDED SCHEDULING ORDER**

On October 7, 2024, Jonica Willingham, DFW Concrete Pros LLC, Christina Allen, and Hunter Allen (collectively, the “**Existing Petitioners**”) initiated this case with the filing of their *Involuntary Petition Against a Non-Individual* [Docket No. 1] (the “**Petition**”) against Trinity Design & Build LLC a/k/a Trinity Cabinet Company LLC, Trinity Design and Build LLC, Trinity Design + Build LLC, and Trinity Cabinet Company LLC d/b/a Trinity Design and Build (the “**Alleged Debtor**”) to request entry of an order for relief under chapter 7 of the Bankruptcy Code against the Alleged Debtor. The Alleged Debtor has appeared in this case and answered in opposition to the Petition with its filing of the *Trinity Design and Build, LLC Motion to Dismiss and Request for Attorney’s Fees* [Docket No. 8] (the “**Answer**”). Pursuant to the Answer, the Alleged Debtor also requests dismissal of the case and an award of attorney’s fees (to such extent, and the extent (if any) to which the Alleged Debtor requests any other form of affirmative relief, the Answer is referred to herein as the “**Alleged Debtor Motion**”).

On October 8, 2024, the Court entered a *Standing Scheduling Order Regarding Involuntary Cases* [Docket No. 3] (the “**Scheduling Order**”). On November 4, 2024, in accordance with the Scheduling Order, the Existing Petitioners and the Alleged Debtor, in each case by and through respective counsel, appeared at an initial status/scheduling conference in the case. Based upon the status report provided and representations made by and on behalf of the parties at said hearing, the Court now enters this Amended Scheduling Order. Accordingly, it is hereby:

**ORDERED** that the trial to determine if an order for relief under chapter 7 of the Bankruptcy Code will be issued against the Alleged Debtor (the “**Trial**”) shall take place on **December 16, 2024, at 10:30 a.m. (prevailing Central Time)**, before the Honorable Edward L. Morris, U.S. Bankruptcy Court, at the Eldon B. Mahon U.S. Courthouse, 501 W. Tenth Street, Room 204, Fort Worth, Texas 76102, and if not concluded on December 16, 2024, shall resume on December 17, 2024, at 9:30 a.m. (prevailing Central Time); it is further

**ORDERED** that the following pretrial deadlines and procedures shall apply:

**Pleading Deadlines and Procedures**

1. Joinder of Additional Petitioners. In the absence of the written consent of the Alleged Debtor (by and through counsel) or the Court’s granting of leave for a late joinder, the deadline for any other alleged creditor to file a pleading to formally join in the Petition as an additional petitioning creditor shall be **November 7, 2024, at 5:00 p.m. (prevailing Central Time)**. The Existing Petitioners and all additional petitioning creditors who hereafter timely join in the Petition as permitted pursuant to this paragraph are collectively referred to herein as the “**Petitioners**”. **All Petitioners shall be bound by the terms and conditions of this Order.**

2. Deadline for Response to Alleged Debtor Motion/Reply to Answer. The deadline for the Petitioners to file and serve a response to the Alleged Debtor Motion (mandatory) and a reply to the Answer (non-mandatory) shall be **November 15, 2024, at 5:00 p.m. (prevailing Central Time)**.

3. Deadline for Reply to Response to Alleged Debtor Motion. The deadline for the Alleged Debtor to file a reply to the Petitioners’ response to the Alleged Debtor Motion (non-mandatory) shall be **December 2, 2024, at 5:00 p.m. (prevailing Central Time)**.

**Discovery Deadlines and Procedures**

4. Written Discovery. The Petitioners and the Alleged Debtor (collectively, the “**Parties**”) shall conduct written discovery in the following manner:

a. Service of Requests and Responses. The Parties shall serve all written discovery requests and responses upon each other by email transmission to the opposing Party(ies)’ counsel of record in this case. Service shall be deemed provided upon the opposing Party(ies)’ counsel’s receipt of such transmission.

b. Deadline for Service of Written Discovery Requests. The deadline for the service of all written discovery requests shall be **November 8, 2024, at 5:00 p.m. (prevailing Central Time).**

c. Deadline for Service of Responses to Written Discovery Requests. The deadline for the service of a response to any timely served written discovery request shall be **twenty-one (21) days after the date of service of the written discovery request.**

5. Deposition Discovery. Counsel for the Parties are directed to timely confer in good faith with respect to the scheduling of any desired depositions.

6. Discovery Cutoff. The deadline for the Parties to complete all discovery shall be **December 11, 2024, at 5:00 p.m. (prevailing Central Time).**

7. Discovery Disputes. In the event that a discovery dispute arises between the Parties that cannot be resolved after diligent, good faith negotiations between counsel, the Court will consider any motion that is thereafter filed with respect to the discovery dispute on an emergency/expedited basis without the necessity of the filing of a separate motion for emergency/expedited consideration. In such circumstance, counsel for the moving Party is directed to promptly notify Judge Morris' Courtroom Deputy of the filing of such motion, copying counsel for all of the other Parties. If deemed necessary or appropriate, the Court will set a hearing on the motion and/or set a deadline for any responsive pleadings. The Court reserves the right to determine the matter without conducting a hearing.

#### **Witness and Exhibit Lists and Trial Briefs**

8. Trial Witness and Exhibit Lists; Exchange of Exhibits. The deadline for the Parties to file and serve their respective trial witness and exhibit lists shall be **December 11, 2024, at 5:00 p.m. (prevailing Central Time).** By said date and time, counsel for the Parties shall also exchange all designated exhibits.

9. Trial Briefs. The deadline for the Parties to file and serve trial briefs (non-mandatory) shall be **December 12, 2024, at 5:00 p.m. (prevailing Central Time).**

10. Objections to the Admissibility of Exhibits. The deadline for the Parties to file and serve objections to the admissibility of designated exhibits (other than an objection to relevance) shall be **December 13, 2024, at 5:00 p.m. (prevailing Central Time).** Subject to the any relevance objections, all designated exhibits that are not objected to by such deadline will be admitted by the Court at the commencement of the trial.

#### **Miscellaneous**

11. Modifications. By written agreement among the affected Parties (by and through counsel), any of the deadlines established pursuant to paragraphs 2, 3, 4b, 4c, and 6 may be modified. All other modifications are subject to the approval of the Court.

12. Sanctions. The failure of any Party and/or the counsel for a Party to comply with this Order may result in the Court's issuance of sanctions.

### END OF ORDER ###